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OFFICE OF PETITIONS

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|-----------------------------------|---|-------------|
| In re Application of | : | |
| Snoeren et al. | : | |
| Application No. 10/623191 | : | |
| Filing or 371(c) Date: 07/18/2003 | : | ON PETITION |
| Attorney Docket Number: | : | |
| 19.033011 (R-232) | : | |

This is a decision on the petition under 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 17, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 18, 2008. A Notice of Abandonment was mailed July 17, 2008.

Applicant files the present petition, and an Amendment in response to the Office action.

Applicable law, Rules and MPEP

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is

a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

Analysis and conclusion

The Examiner has reviewed the Amendment filed with the petition, and concluded that the Amendment fails to place the application in condition for allowance.

While a power of attorney and change of address has been filed in this case, because the address given on the petition differs from the address of record, a courtesy copy of this decision is being mailed to the address noted on the petition. All future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Inquiries regarding the Amendment should be directed to the Examiner. Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: LAW OFFICE OF BRIAN J. DAUITO
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 PALO ALTO, CA 94306